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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/083,726	10/19/2001	Edward J. Shoen	57111-5120	3972

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TIFFANY & BOSCO
CAMELBACK ESPLANADE II, THIRD FLOOR
2525 EAST CAMELBACK ROAD
PHOENIX, AZ 85016

EXAMINER

POND, ROBERT M

ART UNIT PAPER NUMBER

3625

DATE MAILED: 12/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/083,726

Applicant(s)

SHOEN ET AL.

Examiner

Robert M. Pond

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 July 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection.

Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Applicant's submission filed on 11 July 2005 has been entered.

Response to Amendment

The Applicant amended Claims 11, 16, and 17. All pending claims (1-21) were examined in this non-final Office Action.

Response to Arguments

Pertaining to Objection to Drawings in previous office action

The Applicant's revised drawings are accepted.

Pertaining to Objection to Specification in the previous office action

The Applicant amended the abstract. Objection is withdrawn.

Pertaining to Rejection under 102(b) in previous office action.

Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. **Claims 1-8, 10, 18, and 19 are rejected under 35 USC 102(b) as being anticipated by Home-Link (a collection of prior art cited in PTO-892, Items: U and V).**

Home-Link teaches all the limitations of claims 1-8, 10, 18, and 19. For example, Home-Link discloses one-stop home buying online using a web-based business model designed as a one-stop shopping destination for professional in the business of buying and selling homes. Home-Link teaches the Home-Link service applying the Internet and technology in a way that keeps the broker and the agent at the center of the customer relationship by tracking and maintaining a record of all the customer's transactions through Home-Link (U: see page 1).

Home-Link further discloses:

- Process an originating transaction: buying or selling real estate (please note: an originating transaction) (U: see pages 1 and 2).
- Accessing content describing an auxiliary service: alerting customers to product and services in which they have expressed interest (U: see page

2). Inherent in Home-Link are the structures necessary to permit the customer to access content pertaining to auxiliary services. For example,

- Processing a secondary transaction for the auxiliary service (accepting payment): e-tailer arranges a broad set of auxiliary services related to buying or selling a home (e.g. home inspection, warranty service coverage, household moving companies, utility connections, lawn care, appliance purchases, home cleaning and maintenance) (U: see at least page 2). Inherent in Home-Link are the structures necessary to permit payment of auxiliary services.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

- 2. Claim 9 is rejected under 35 USC 103(a) as being unpatentable over Home-Link (a collection of prior art cited in PTO-892, Items: U and V) in view of PR Newswire (Paper #8, PTO-892, Item: W).**

Home-Link teaches all the above as noted under the 103(a) rejection and teaches providing moving services associated with an original transaction, but do not disclose providing hotel information. PR Newswire teaches Travelscape.com

earning top marks from BizRate.com who surveyed customers purchasing from Travelscape.com's web site for hotel accommodation (Item: W, see pages 1-2). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the system and method Home-Link and McCarthy to provide hotel accommodation information as taught by PR Newswire, in order to provide additional customer convenience, and thereby attract customers to the service.

3. Claims 11, 14-17, and 20-21 are rejected under 35 USC 103(a) as being unpatentable over Home-Link (a collection of prior art cited in PTO-892, Items: U and V) in view of McCarthy (PTO-892, Item: W), further in view of Official Notice (regarding within-the-skill)

Home-Link teaches one-stop home buying online using a web-based business model designed as a one-stop shopping destination for professional in the business of buying and selling homes. Home-Link teaches the Home-Link service applying the Internet and technology in a way that keeps the broker and the agent at the center of the customer relationship by tracking and maintaining a record of all the customer's transactions through Home-Link (U: see page 1).

Home-Link further teaches:

- Process an originating transaction: buying or selling real estate (please note: an originating transaction) (U: see pages 1 and 2).

- Accessing content describing an auxiliary service: alerting customers to product and services in which they have expressed interest (U: see page 2). Inherent in Home-Link are the structures necessary to permit the customer to access content pertaining to auxiliary services. For example,
- Processing a secondary transaction for the auxiliary service (accepting payment): e-tailer arranges a broad set of auxiliary services related to buying or selling a home (e.g. home inspection, warranty service coverage, household moving companies, utility connections, lawn care, appliance purchases, home cleaning and maintenance) (U: see at least page 2). Inherent in Home-Link are the structures necessary to permit payment of auxiliary services.
- Computer readable memory: Inherent in Home-Link are the structures necessary to permit the execution of computer instructions from computer-readable memory. For example, the system and method of Home-link.com requires a computer to manage the web site.

Home-Link teaches all the above as noted under the 103(a) rejection and teaches a) one-stop shopping for auxiliary service associated with the buying and selling or real estate, and b) Home-link.com tracking and maintaining all transaction records associated with the originating transaction and auxiliary transactions, but does not disclose escrow. McCarthy teaches Lyon & Associates Realtors linking up with Home-Link to provide value-added services to its clients. Inherent in McCarthy are the structures necessary to permit pre-payment into a

first financial account and releasing to a second financial account based upon sale closure data. For example, McCarthy further teaches Lyon & Associates Realtors supporting people (i.e. clients) through and after close of escrow (W: see pages 1 and 2). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the system and method of Home-Link to manage escrow as taught by McCarthy, in order to ensure the transfer of funds.

Home-Link and McCarthy teach all the above as noted under the 103(a) rejection and further teach a) one-stop shopping via the Internet for auxiliary services associated with an originating transaction (e.g. moving services), and b) buyer-seller escrow services, but do not specifically disclose escrow services for vendors providing auxiliary services. The Examiner takes the position that it is within the skill by one of ordinary skill in the art to ascertain the need for escrow services for vendor-supplied auxiliary services since some of the vendor-supplied services brokered by Home-Link are provided prior to the completion of the originating transaction. For example, Home-Link teaches services being offered that may be advantageous to either the seller or buyer to occur before the originating transaction is completed (e.g. warranty services, lawn care, maintenance, etc.). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the system and method of Home-Link and McCarthy to provide escrow account service for vendors as taught by Official Notice, in order to encourage vendor support for the service.

Pertaining to system claims 20 and 21

Rejection of claims 20 and 21 is based on the same rationale as noted above.

- 4. Claims 12 and 13 are rejected under 35 USC 103(a) as being unpatentable over Home-Link (a collection of prior art cited in PTO-892, Items: U and V) and McCarthy (PTO-892, Item: W), as applied to Claims 4 and 11, further in view of PR Newswire (Paper #8, PTO-892, Item: W).**

Home-Link and McCarthy teach all the above as noted under the 103(a) rejection and teach providing services associated with an original transaction, but do not disclose providing hotel information or conducting a survey with customers. PR Newswire teaches Travelscape.com earning top marks from BizRate.com who surveyed customers purchasing from Travelscape.com's web site for hotel accommodations associated with travel. Feedback from customers comprised ten attributes including making reservations, travel planning, and prices (Item: W, see pages 1-2). Therefore it would have been obvious to one of ordinary skill in the art at time of the invention to modify the system and method Home-Link and McCarthy to provide hotel accommodation information and to conduct surveys as taught by PR Newswire, in order to ascertain on-going requirements for improvement based on survey results, and thereby attract consumers and sellers to the service.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

US 2001/0037230 (Raveis, JR. et al.) 01 November 2001; teaches system and method of facilitating a move of household goods (renting a truck, box services).

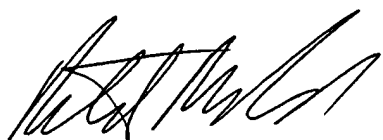
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert M. Pond whose telephone number is 571-272-6760. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ms. Wynn Coggins can be reached on 571-272-7159. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR

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system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'R. M. Pond', written in a cursive style.

Robert M. Pond
Primary Patent Examiner
November 30, 2005